

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KRISTEN LEONE, *et al.*,
Plaintiffs,

v.

OLYMPUS CORPORATION
OF THE AMERICAS, *et al.*,
Defendants.

Civil Action No. 20-cv-3158

ORDER

AND NOW, this 15th day of September, 2022, upon consideration of Defendants’ “Motion to Dismiss” (ECF No. 16), and Plaintiffs’ response thereto (ECF No. 20), it is hereby **ORDERED** that Defendants’ Motion is **GRANTED** in part and **DENIED** in part as follows:

1. Defendants’ motion with respect to Plaintiffs’ claims under 29 U.S.C. § 1132(a)(2) and 29 U.S.C. § 1109, as well as Plaintiffs’ claims for equitable estoppel is **GRANTED** and those claims are **DISMISSED WITH PREJUDICE**;
2. Defendants’ motion with respect to the six plaintiffs who adequately pled detrimental reliance is **DENIED**;
3. Plaintiffs’ misrepresentation claims for the remaining thirty-three plaintiffs are **DISMISSED WITHOUT PREJUDICE**. Within thirty (30) days from the date of this **Order**, Plaintiffs may file an amended complaint to plead more specific allegations of the reliance losses suffered by these plaintiffs.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.